and property rights are involved. *Held,* that the statute is unconstitutional, (1) because a contract relation exists between the corporations and the state, which is impaired; (2) because it deprives the corporations of a right under the Constitution of the United States and the Acts of Congress, *Chicago, R. I. & P. Ry. Co.* v. *Swanger* (1908), — C. C., W. D., Mo. —, 157 Fed. Rep. 783.

In regard to state statutes, which require as a condition precedent to the right of a foreign corporation to do business in the state, a stipulation that the right of removal will not be exercised, the law is well settled, that such a statute, and such a stipulation, is void. *Home Ins. Co.* v. *Morse,* 20 Wall. 445, 22 L. Ed. 365; *Barrow* v. *Burnside,* 121 U. S. 186, 7 Sup. Ct. 931, 30 L. Ed. 915; *Tex. Land, etc. Co.* v. *Worsham,* 76 Tex. 556, 13 S. W. 384; *Baltimore, etc. Ry. Co.* v. *Cary,* 28 Oh. St. 208; *Hartford Ring Assur. Co.* v. *Pierce,* 27 Oh. St. 155. See also, *Rece* v. *Newport News, etc., Co.,* 32 W. Va. 164, 9 S. E. 212, 32 L. R. A. 572. On the other hand, it has been consistently held by the United States Supreme Court, that the federal courts will not interfere with the revocation of a license to do business under a statute such as the one in the principal case, making it the duty of the Secretary of State to revoke the license if the foreign corporation removes a case to the federal court. *Doyle* v. *Continental Ins. Co.,* 94 U. S. 535, 24 L. Ed. 148; *Security Ins. Co.* v. *Prewitt,* 202 U. S. 246, 26 Sup. Ct. 619; *State* v. *Doyle,* 40 Wis. 175, 22 Am. Rep. 692. But see *Com.* v. *East Tenn. Coal Co.,* 97 Ky. 238, 30 S. W. 608. While the principal case would seem to fall squarely within the principle enunciated in the *Doyle* case, it has this important difference, upon which the judge relies. The *Doyle* case applies to an insurance corporation, and the principal case to a railroad corporation, which has made valuable investments in Missouri and has vested property rights. The Court in the principal case says that thereby a contract relation has arisen between the State and the foreign railroad corporation, which is impaired by the Statute. The contract and property rights involved distinguish it from the *Doyle* case. The distinction seems a strong and reasonable one, and it is to be hoped the case will be taken to the Supreme Court for final settlement. The tendency to find a contract relation between a state and foreign corporations is growing. *Am. Smelting Co.* v. *Colorado,* 204 U. S. 103, 27 Sup. Ct. 198, 51 L. Ed. 393; *Seaboard Air Line Ry. Co.* v. *Commission,* 155 Fed. 792. 6 MICH. LAW REV. 258. See further on statutes restricting removal to federal courts, THOMPSON ON CORPORATIONS, Vol. 6, §§ 7466-7467. 5 MICH. LAW REV. 58.

CONSTITUTIONAL LAW—POWERS OF CONSTITUTIONAL CONVENTION.—The President of the Michigan Constitutional Convention petitioned for mandamus to compel the Secretary of State to take the necessary steps to submit to the people at the next November elections, the revised Constitution, as provided by the Constitutional Convention. The respondent denied the power of the Convention to fix a date other than that provided by the Legislature, which had provided that the Constitution should be submitted at the April election. *Held,* that the writ should issue. (HOOKER, McALVAY

and MONTGOMERY, JJ., dissent). *Carton, President of Constitutional Convention* v. *Secretary of State* (1908), — Mich. —, 14 Det. Leg. News 968. 115 N. W. Rep. 429.

There were six opinions submitted in this case, and three general points of difference are announced in them. GRANT, C. J., supported in part by BLAIR, J., maintains the right of the convention to fix the date of the submission to the people on the ground that a constitutional convention is a sovereign body. Great diversity prevails among the courts and text-writers as to the status of a constitutional convention. One group maintains that such a convention is a sovereign body, accountable only to the people that created it, (*Loomis* v. *Jackson,* 6 W. Va. 613; *Sproule* v. *Fredericks,* 69 Miss. 898; *Franz* v. *Autrey,* 91 Pac. (Okla.) 193). The other that the constitutional convention is a mere committee, created by the people, and possessing only such powers as are expressly or by necessary implication delegated to it. Under this theory, "it is, in general, the right and duty of a legislature to prescribe when, where, and how a convention shall meet and proceed with its business, and put its work in operation," JAMESON, CONST. CONVENTIONS, 4th ed. § 380; *Wood's Appeal,* 75 Pa. St. 59. For further discussion see note, 6 MICH. LAW REV. 70. The other justices, while denying the sovereignty theory of the convention, differ on a matter of construction of certain terms in the existing constitution of Michigan. The minority of the court hold that no provision is made in the existing constitution for the time of submitting a revision to the people, and so conclude that it was left to the legislature to determine. The majority of the court, however, hold that the provision in the existing constitution that amendments shall be submitted at the next general election, applies to a revision of the constitution. The "next general election" means the November elections, and not those occurring in the Spring. *Westinghausen* v. *People,* 44 Mich. 265. Therefore, as the existing constitution provides that the revision shall be submitted at the "next general election," the legislature does not possess the power to change the date.

CRIMINAL LAW—CAPITAL OFFENSE—BAIL—WHEN GRANTED.—The petitioners were charged with murder. Upon their preliminary examination bail was refused, and they were confined in jail to await trial. Thereupon, they sued out a writ of habeas corpus alleging that they were illegally confined in that the proof of guilt was not evident, nor the presumption thereof great. *Held,* that, "if after hearing the whole evidence introduced on the application for bail, it is insufficient to generate in the mind of the court a reasonable doubt whether the accused committed the act charged, and in doing so they were guilty of a capital offense, bail should be refused." *In re Thomas et al.* (1908), — Okla. —, 93 Pac. Rep. 980.

The constitutions of most states contain substantially the same provision respecting bail that is found in § 17, art. 2 of the Bill of Rights of Oklahoma, to-wit: "All persons shall be bailable by sufficient sureties, except for capital offenses when the proof of guilt is evident, or the presumption thereof is great." In consequence, courts of many states have been called